

CITY AND COUNTY OF HONOLULU

ELECTIONS RELATED CHARTER PROVISIONS

Excerpted from: Revised Charter of the City & County of Honolulu

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ARTICLE I
INCORPORATION, LIMITS AND STRUCTURE OF GOVERNMENT

Section 1-101. Incorporation--The people of the City and County of Honolulu shall be and continue as a body politic and corporate by the name of "City and County of Honolulu," hereinafter in this charter called "city." By that name it shall have perpetual succession.

Section 1-102. Geographical Limits--The island of Oahu and all other islands in the State of Hawaii, not included in any other county and the waters adjacent thereto, shall constitute the City and County of Honolulu.

ARTICLE II
POWERS AND PURPOSES OF THE CITY

Section 2-101. Powers--The city shall have and may exercise all powers necessary for local self-government and any additional powers and authority which have been or may be hereafter granted to it subject only to the general laws of this State allocating and reallocating powers and functions pursuant to Article VII, Section 2 of the Constitution of the State of Hawaii. The enumeration of express powers in this charter shall not be exclusive. In addition to these enumerated express powers and those implied thereby, the city shall have and may exercise all powers it would be competent for this charter to enumerate expressly.

Section 2-102. Purposes--All city powers shall be used to serve and advance the general welfare, health, happiness, safety and aspirations of its inhabitants, present and future, and to encourage their full participation in the process of governance.

ARTICLE III
LEGISLATIVE BRANCH
CHAPTER 1
COUNCIL

Section 3-101. Legislative Power--The legislative power of the city shall be vested in and exercised by the city council, except as otherwise provided by this charter.

Section 3-102. Number, Election and Terms of Office of Councilmembers--The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-122, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two consecutive full terms. (Reso. 83-357, Am 1992 Gen Elec, 1998 Gen Elec)

Section 3-103. Reapportionment and Reapportionment Years--

1. The year 1991 and every tenth year thereafter shall be reapportionment years.
2. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The presiding officer of the council shall, with the approval of the council, select the members of the commission, no more than a majority of whom shall be from the same political party.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject

only to the provisions of this section of the charter. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

The city clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.

3. In effecting reapportionment, the commission shall be guided by the following criteria:

- (a) No district shall be so drawn as to unduly favor a person or political faction.
- (b) Districts, insofar as practicable, shall be contiguous and compact.
- (c) District lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries.

4. On or before January 2 of the year following appointment, the commission shall file with the city clerk a reapportionment plan, which shall be applicable to the next succeeding election at which all councilmembers are elected.

5. Any duly registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan.

6. In order to commence the staggering of councilmembers' terms in accordance with Section 16-122, the reapportionment plan for 2002 shall retain the council district numbering of I, II, III, IV, V, VI, VII, VIII, and XI. (Reso 83-357 and 88-242; Am 1992 Gen Elec, 1998 Gen Elec)

Section 3-104. Qualifications of Councilmembers--To be eligible for election or appointment to the council, a person must be a duly qualified elector of the council district from which the person seeks to be elected. Any councilmember who removes his or her residence from the district from which the councilmember was elected or appointed shall, by that fact, be deemed to have vacated the office.

Section 3-105. Vacancy in Office--A vacancy in the office of any councilmember shall be filled in the following manner:

(a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election to be called by the council within ten days and to be held within sixty days after the occurrence of the vacancy. At such time, the electors of the district shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election.

Section 3-106. Removal of Councilmember--Any councilmember may be removed by recall or impeachment as provided in article XII of this charter. (Reso 83-357; Ren 84-197)

Section 3-122. Salary Commission--

1. There shall be an independent salary commission to establish the salaries of all elected officials, including the mayor, councilmembers, and prosecuting attorney, and the following appointed officials: managing director, deputy managing director, department head, deputy department head, and band director. The commission shall also establish schedules for salaries of deputies of the corporation counsel and prosecuting attorney. The commission shall consist of seven members, who shall serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 1993, and shall be as follows:

- (1) Two members, one appointed by the mayor and one appointed by the council -- Two years
- (2) Two members, one appointed by the mayor and one appointed by the council -- Three years
- (3) Two members, one appointed by the mayor and one appointed by the council -- Four years
- (4) One member appointed by the mayor and confirmed by the council -- Five years

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed. The commission shall elect a chair from among its members and the commission shall act by a majority vote of its membership. Any vacancy shall be filled in the same manner as for an original appointment.

2. The commission shall convene annually no later than the first day of February, and shall, after public hearing, establish salaries and salary schedules no later than the first day of May subsequent thereto, said salaries and salary schedules to be effective prospectively from the first day of the fiscal year subsequent to their adoption by the commission. The commission may meet at other times during the year pursuant to its own rules, but may alter salaries and salary schedules no more than once annually. Any action of the commission altering salaries shall be by resolution accompanied by findings of fact. Said resolution shall be forwarded to the mayor and the council but shall take effect without their concurrence sixty calendar days after its adoption unless rejected by a three-quarters vote of the council's entire membership. The council may reject either the entire resolution or any portions of it.

3. The commission shall set salaries in accordance with the principles of adequate compensation for work performed, and preservation of a sensible relationship with the salaries of other city employees.

4. The commission shall establish its rules of procedure and adopt rules and regulations pursuant to law.

5. The commission shall employ consultants and staff as is necessary to assist it in the performance of its duties.

6. The members of the salary commission shall serve without compensation but shall be reimbursed for expenses, including travel expense necessary for the performance of their duties. (Reso. 83-357 and 84-197; Am 1992 Gen Elec, 1998 Gen Elec)

CHAPTER 3 CITY CLERK

Section 3-301. Powers, Duties and Functions--

1. The council shall appoint and fix the salary of the city clerk.

2. The city clerk shall:

- (a) Be the clerk of the council.
- (b) Take charge of, safely keep and dispose of all books, papers and records which may properly be filed in the city clerk's office and keep, in separate files, all ordinances and resolutions and cumulative indices of the same or exact copies thereof, enacted or adopted by the council, and all rules and regulations.
- (c) Have custody of the city seal, which shall be used to authenticate all official papers and instruments requiring execution or certification by the city clerk. A copy of the impress thereof, certified to be genuine, and also a copy of such seal when altered or changed by the council, shall be filed in the office of the lieutenant governor.

(d) Conduct all elections held within the city and perform voter registration functions pursuant to this charter or the laws of the State.

(e) Perform such other functions as required by this charter or by law.

3. The city clerk may appoint the necessary staff for which appropriations have been made by the council.

4. Subject to the provisions of this charter and applicable rules and regulations adopted thereunder, the city clerk shall have the same powers with respect to the personnel of the city clerk's office as the department heads in the executive branch. (Reso. 83-357).

CHAPTER 4 ORDINANCES BY INITIATIVE POWER

Section 3-401. Declaration--

1. Power. The power of electors to propose and adopt ordinances shall be the initiative power.

2. Limitation. The initiative power shall not extend to any ordinance authorizing or repealing the levy of taxes, the appropriation of money, the issuance of bonds, the salaries of county employees or officers, or any matter governed by collective bargaining contracts. (Petition No. 17 (1982))

Section 3-402. Procedure for Enactment and Adoption--

1. Petition. An ordinance may be proposed by petition, signed by duly registered voters equal in number to at least ten percent of the total voters registered in the last regular mayoral election.

2. Form of Petition. Each voter signing such petition shall add to the signature, the voter's printed name, residence, social security number and the date of signing.

3. Affidavit on Petition. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that, to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with the full knowledge of the contents of the petition and that their residences are correctly given.

4. Proposed Ordinance. Such petition shall set forth the proposed ordinance, or a draft of the proposed ordinance may be attached and made part of such petition. (Petition No. 17 (1982); Reso. 83-357; Am 1992 Gen Elec)

Section 3-403. Filing and Examination of Signatures on Petition--

1. Duty of Clerk. Upon filing of such petition with the council, the clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of duly registered voters. The clerk may question the genuineness of any signature or signatures appearing on the petition, and if the clerk finds that any such signature or signatures are not genuine, the clerk shall, after his public disclosure of the signatures in question, disregard them in determining whether the petition contains a sufficient number of signatures.

2. Clerk to Reject Petition, When. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The clerk shall complete the examination of the petition within twenty working days after the date of filing with the council.

3. Review by the Court. A final determination as to the sufficiency or validity of the petition may be subject to court review. (Petition No. 17 (1982); Reso 83-357; Am 1992 Gen Elec)

Section 3-404. Submission of Proposal to Electors--

1. For General Elections. Any petition for proposed ordinance which has been filed with the council at least ninety days prior to a general election and which has been certified by the clerk, shall be submitted to electors for the aforementioned general election.

2. For Scheduled Special Elections. If any petition for proposed ordinance is filed at least ninety days before a scheduled special election within the city and which has been certified by the clerk, it shall be submitted to the electors for the aforementioned special election.

3. For Initiative Special Elections. A special election for an ordinance by initiative power shall be called within ninety days of filing of the petition if signed by duly registered voters equal in number to at least fifteen percent of the votes cast for mayor in the last regular mayoral election, and if such petition specifies that a special election be called; provided that if the clerk certifies less than fifteen percent but at least ten percent, the proposed ordinance shall be submitted at the next general election or scheduled special election. No special initiative election shall be held if an election is scheduled within one hundred eighty days of submission of the proposal.

4. Adoption by the Council. If the council introduces and adopts after three separate readings, including a public hearing, the proposed ordinance which was the basis for a petition on or before ten days prior to date of publication of the proposed ordinance as required in this charter, then the proposed ordinance need not be submitted to the electors. (Petition No. 17 (1982); Am 1992 Gen Elec)

Section 3-405. Adoption, Effective Date and Limitations--

1. Adoption and Effective Date of Ordinance. Any proposed ordinance which is approved by the majority of voters voting thereon shall be adopted, and shall become effective ten days after certification of the results of the election, or at the time and under the conditions specified in the ordinance; provided, however, that in the event that two or more proposed ordinances conflict with each other in whole or in part and each is approved by a majority of the voters voting thereon, the proposed ordinance receiving the highest number of votes shall be adopted and shall take effect as aforesaid.

2. No Veto. No ordinance adopted by the initiative power shall be subject to mayoral veto.

3. Limitation Against Council. No ordinance adopted by initiative power shall be amended or repealed by the council within two years after adoption, except as a result of subsequent initiative or by an ordinance adopted by the affirmative vote of at least three quarters of the entire council after public hearing. (Petition No. 17 (1982); Am 1992 Gen Elec)

Section 3-406. Approval of Alteration--

1. Amendments Made by Corporation Counsel. The petition shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration in form or language, or any restatement of the text of the proposed ordinance which may be made by the corporation counsel.

2. Restatement of Proposed Ordinance on Ballot. The same designated and authorized signers shall approve any restatement of the proposed ordinance on the ballot. (Petition No. 17 (1982); Am 1992 Gen Elec)

Section 3-407. Inconsistent Provisions--All rules, ordinances and Revised Charter provisions which are inconsistent with this chapter shall be superseded by the provisions of this chapter from its effective date. (Petition No. 17 (1982))

**ARTICLE V
EXECUTIVE BRANCH -- MAYOR AND AGENCIES DIRECTLY UNDER THE MAYOR
CHAPTER 1
MAYOR**

Section 5-101. Election and Term of Office--The electors of the city shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following the mayors' election. No person shall be elected to the office of mayor for more than two consecutive full terms. (Reso 83-357; Am 1992 Gen Elec)

Section 5-102. Qualifications--Any duly qualified elector of the city not less than thirty years of age shall be eligible to fill the office of mayor. Upon removal of the mayor's residence from the city, the mayor shall, by that fact, be deemed to have vacated the office. (Reso 83-357)

Section 5-106. Vacancy in Office--

1. A vacancy in the office of mayor caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

(a) If the unexpired term is for less than one year, the council shall, by a majority vote of all of its members, elect one of its members to be mayor for the unexpired term, and a vacancy shall thereupon exist in the council.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within sixty days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election.

2. Pending the election of a mayor in case of a vacancy or in the temporary absence of the mayor from the State or temporary disability of the mayor, the managing director shall act as mayor. If there is no managing director or if the managing director is unable to act, the director of budget and fiscal services shall then act as mayor. (Reso 83-357 and 84-197, 1998 Gen Elec)

Section 5-107. Removal of Mayor--The mayor may be removed by recall or impeachment as provided in article XII of this charter. (Reso 84-197, 1998 Gen Elec)

ARTICLE VIII PROSECUTING ATTORNEY

Section 8-101. Organization--There shall be a department of the prosecuting attorney headed by a prosecuting attorney. (Reso. 78-279)

Section 8-102. Term of Office--The term of office of the prosecuting attorney shall commence at twelve o'clock meridian on the second day of January following the prosecuting attorney's election. (Reso 78-279, 83-357 and 86-238; Am 1992 Gen Elec)

Section 8-103. Prosecuting Attorney, Qualifications--The prosecuting attorney shall be a duly registered voter of the city, an attorney licensed to practice and in good standing before the supreme court of the state, who shall have engaged in the practice of law for at least five years, and who shall have been actively involved in criminal cases for at least three years within ten years next preceding the prosecuting attorney's election. (Reso 78-279 and 83-357; Am 1992 Gen Elec)

Section 8-106. Vacancy in Office--A vacancy in the office of prosecuting attorney caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

(a) If the unexpired term is for less than one year, the office of the prosecuting attorney shall be filled by the first deputy who shall act as prosecuting attorney, or if the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor, with the approval of the council, shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within sixty days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election of the prosecuting attorney, the first deputy shall act as prosecuting attorney. If the position of first deputy is vacant or if the first deputy does

not meet the minimum qualifications for prosecuting attorney, the mayor, with the approval of the council, shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy. (Reso 78-279, 83-357 and 84-197; Am 1992 Gen Elec)

Section 8-107. Removal of Prosecuting Attorney--The prosecuting attorney may be removed by recall or impeachment as provided in Article XII of this charter. (Reso 78-279, 83-357 and 84-197; Am 1992 Gen Elec)

ARTICLE XII RECALL AND IMPEACHMENT CHAPTER 1 RECALL OF ELECTED OFFICERS

Section 12-101. Recall of the Mayor--The mayor may be removed by recall which shall be initiated upon petition signed by duly registered voters equal in number to at least ten percent of the total voters registered at the last regular mayoral election. Signatures from any one council district, as provided by this charter for the election of councilmembers, in excess of forty percent of the total number required on the petition shall not be counted. (Reso 83-357; Am 1992 Gen Elec)

Section 12-102. Recall of a District Councilmember--A district councilmember may be removed by recall which shall be initiated upon petition signed by duly registered voters of the council district equal in number to at least ten percent of the total voters registered in such councilmember's district in the last regular council election held in the district. (Reso 83-357; Am 1992 Gen Elec)

Section 12-103. Recall Petition; Recall Election--The recall petition shall require each signing voter's signature, address, social security number, council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing with the city clerk. The clerk shall examine it to see whether it contains a sufficient number or apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the recall petition and if the clerk finds that any such signature or signatures are not genuine, the clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall also disregard any signature dated more than sixty days before the petition was tendered for filing. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The clerk shall complete examination of the petition within twenty working days after the submission of the petition to the clerk and shall thereupon file the petition if valid or reject it if invalid.

As soon as the clerk has accepted a recall petition for filing, the clerk shall notify the elected officer that the petition has been filed. Upon receipt of such notice, the elected officer may resign from office and thereupon the recall proceedings shall terminate.

If the elected officer does not resign from office within ten days after notice of the filing of such petition shall have been given to such elected officer, the clerk shall arrange a recall election. If a general or special city or State election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the voters at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after the ten days have expired. The elected officer may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each voter in a recall: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?"

If a majority of the registered voters who vote on the question at a recall election shall vote "Yes," the elected officer shall be deemed recalled and removed from office. Otherwise, the said officer shall remain in office.

No person, who has been removed from elected office or who has resigned from such an office after a recall petition directed to the said person has been filed, shall be eligible for election or appointment to any office of the city within two years after said person's removal or resignation.

No recall petition shall be filed against an elected officer within the first or the last year of the officer's term or within six months after an unsuccessful recall election against such officer. (Reso 83-357; Am 1992 Gen Elec)

Section 12-104. Recall of the Prosecuting Attorney--The prosecuting attorney may be removed by recall which shall be initiated upon petition signed by registered voters equal in number to at least ten percent of the total voters registered in the last regular election of the prosecuting attorney. Signatures from any one council district, as provided by this charter for the election of councilmembers, in excess of forty percent of the total number required on the petition shall not be counted. (En 1992 Gen Elec)

CHAPTER 2 IMPEACHMENT OF ELECTED OFFICERS

Section 12-201. Impeachment of the Mayor--The mayor may be impeached for malfeasance, misfeasance or non-feasance in office. The supreme court of the State shall constitute a board of impeachment in any proceeding for the removal of the mayor who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than five thousand duly registered voters of the city, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges. The board of impeachment may appoint a master and invest the master with the power to investigate the charge and report thereon to the board. If the board sustains the charge, the mayor shall be deemed removed from office. (Reso 83-357; Am 1992 Gen Elec)

Section 12-202. Impeachment of a Councilmember--Any councilmember may be impeached for malfeasance, misfeasance or non-feasance in office or for interference with the performance of the duties of any officer or employee in any executive agency of the city government. The supreme court of the State shall constitute a board of impeachment in any proceeding for the removal of a councilmember who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than one thousand duly registered voters of the council district for the removal of a councilmember, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges. The board of impeachment may appoint a master and invest the master with the power to investigate the charge and report thereon to the board. If the board sustains the charge, the councilmember shall be deemed removed from office.

Section 12-203. Impeachment of the Prosecuting Attorney--The prosecuting attorney may be impeached for malfeasance, misfeasance or non-feasance in office. The supreme court of the State shall constitute a board of impeachment in any proceeding for the removal of the prosecuting attorney who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than five hundred duly registered voters of the city, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges. The board of impeachment may appoint a master and invest the master with the power to investigate the charge and report thereon to the board. If the board sustains the charge, the prosecuting attorney shall be deemed removed from office. (En Am 1992 Gen Elec)

ARTICLE XIII GENERAL PROVISIONS

Section 13-116. City Elections--

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

2. First special election: In the case of the offices of mayor, prosecuting attorney or councilmember, any candidate receiving a majority of the votes cast for that office shall be deemed elected. However, if there is no more than one candidate for each of the offices of mayor, prosecuting attorney or councilmember, such persons shall be deemed elected regardless of the number of votes received.

3. Second special election: Unless a candidate for mayor, prosecuting attorney, or councilmember is elected in the first special election, the names of the two candidates receiving the highest number of votes for these offices in the first special election shall be placed on the ballot for the second special election. At the second special election the candidates receiving the highest number of votes for mayor, prosecuting attorney and councilmember, respectively, shall be deemed elected. (En 1992 Gen Elec, 1998 Gen Elec)

Section 13-118. Oaths of Office--Before entering upon the duties of office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

"I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as ___ of the City and County of Honolulu." (Reso 83-357; Am 1992 Gen Elec)

Section 13-119. Dual Offices or Positions--No person shall hold more than one public office or position under the city, except that city officers and employees shall not be precluded from membership on a neighborhood board. No city officer or employee shall be a member of the state civil service commission, nor shall any city officer or employee hold a public office or position under the federal or state government which would be inconsistent or incompatible with or would tend to interfere with the duties of the city office or position. The term "public office," as used in this section of the charter, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. (Reso 77-412; Am 1992 Gen Elec)

ARTICLE XIV NEIGHBORHOODS AND NEIGHBORHOOD BOARDS

Section 14-101. Neighborhoods and Neighborhood Boards--

Neighborhoods and neighborhood boards to increase and assure effective citizen participation in the decisions of the city shall be established in accordance with a neighborhood plan. (Reso 84-231)

Section 14-102. Neighborhood Commission--There shall be a neighborhood commission which shall consist of nine members chosen from the city at large. The mayor shall appoint four members, one of whom shall have served on a neighborhood board for at least one full term. The presiding officer of the council, with the approval of the council, shall appoint four members, one of whom shall have served on a neighborhood board for at least one full term. The ninth member shall be appointed by the mayor and confirmed by the council. The ninth member shall have served on a neighborhood board for at least one full term.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in same manner as for an original appointment.

The commission shall act by majority vote of its membership and shall establish its own procedures. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. The council shall appropriate funds to the neighborhood commission necessary for the performance of its official duties.

The terms of members initially appointed shall be for five years, and their successors shall serve for staggered terms of five years in the manner provided in subsection 13-103(b) of this charter. (Reso 83-357; Am 1992 Gen Elec)

Section 14-103. Powers, Duties and Functions--The neighborhood commission shall:

- (a) Develop, after public hearings, a neighborhood plan which shall be effective upon filing with the city clerk.
- (b) Review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon.
- (c) Assist areas of the city in the formation and operation of their neighborhoods and neighborhood boards, upon their request.

Section 14-104. The Neighborhood Plan--The neighborhood plan shall designate the boundaries of neighborhoods and provide procedures by which registered voters within neighborhoods may initiate and form neighborhoods and the manner of selection of the members of neighborhood boards, their terms of office and their powers, duties and functions.

The plan may be amended by the commission, after public hearings to be held in various areas of the city, and amendments shall become effective upon filing with the city clerk.

ARTICLE XV CHARTER AMENDMENT OR REVISION

Section 15-101. Initiation of Amendments or Revisions--Except as hereinafter provided, amendments or revisions of this charter may be initiated only in the following manner:

- (a) By resolution of the council adopted after three readings on separate days and passed by an affirmative vote of two-thirds of its entire membership at each reading.
- (b) By petition presented to the council, signed by duly registered voters equal in number to at least ten percent of the total voters registered in the last regular mayoral election, setting forth the proposed amendments or revisions. Such petition shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments or revisions which may be made by the corporation counsel.

Such petition shall include each signing voter's signature, residence, social security number, and date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

Upon filing of such petition with the council, the city clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the petition, and if the clerk finds that any such signature or signatures are not genuine, the clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number or signatures remains after eliminating such invalid sheet. The clerk shall complete his examination of the petition within twenty working days.

Notwithstanding the foregoing, the corporation counsel, as revisor, may, subject to the provisions of Section 4-202 of this chapter, prepare supplements or editions of the charter containing language which reflects an exercise of the reorganization power as prescribed therein. (Reso 83-357; Am 1992 Gen Elec, 1998 Gen Elec)

Section 15-102. Elections to be Called--

1. Any resolution of the council initiating an amendment or revision to the charter shall provide that the amendment or revision shall be submitted to the electors of the city at the next general election; provided, however, that no such resolution shall be submitted to the electorate at the same general election at which a charter commission presents, or is authorized to present its own proposals to the electorate in accordance with this article. Any council resolution shall require the approval of the mayor if it is to be submitted to the electors at a general election immediately preceding, or immediately following, a general election at which a charter commission is authorized to submit its own proposals.
2. Any amendment or revision to the charter proposed by petition shall be submitted to the electors of the city at the next general election.
3. Any amendment or revision to the charter proposed by the council or by petition shall be published at length in a daily newspaper of general circulation in the city at least forty-five days prior to its submission to the electors of the city at the next general election. (Am 1992 Gen Elec)

Section 15-103. Approval of Amendment or Revision--No amendment or revision of this charter shall be effective unless approved by a majority of the voters voting thereon.

Section 15-104. Effective Date of Amendment or Revision--Any amendment or revision approved by the electors of the city shall become effective at the time and under the conditions specified in the amendment or revision.

Section 15-105. Mandatory Review--On or before February 1, 2001, and at intervals of ten years thereafter, the mayor and the presiding officer of the council shall appoint a charter commission consisting of thirteen members to study and review the operation of the government of the city under this charter. The mayor shall appoint six member members; the presiding officer of the council, with the approval of the council, shall appoint six members; and the thirteenth member shall be appointed by the mayor and confirmed by the council.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by majority vote of its membership and shall establish its own procedures. The commission shall be recognized as a constituent body, and its members shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to provisions of this article of the charter.

The commission may propose amendments to the existing charter or a draft of a revised charter which shall be submitted to the city clerk at any time prior to September 1 of the year succeeding the commission's appointment. Upon receipt of the amendments or revised charter, together with ballot language prepared by the commission, the clerk shall provide for the submission of such amendments or revised charter to the electors of the city at the next general election.

The commission shall publish not less than forty-five days before any election at which charter amendments or a revised charter are submitted, at least once in a daily newspaper of general circulation within the city, a brief digest of the amendments or revised charter and a notice to the electorate that copies of the amendments or revised charter are available at the office of the city clerk. (Reso 83-357; Am 1992 Gen Elec)

Section 15-106. Gender Neutral Language--Every word in this charter shall extend to and be applied to both genders when it is clear that the charter is not applicable only to members of one sex. In preparing any amendment, supplement, or replacement edition of this charter, the corporation counsel or a duly authorized revisor of charter may add, delete, or substitute words and phrases as appropriate to change any term which refers to the male or female gender to a term which is neutral in gender as long as the meaning or effect of this charter is not changed.